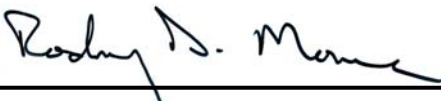


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 12	Effective Date 06/08/07	Review Date 2011
Subject COURT ATTENDANCE PROCEDURES			☐ New Order ☒ Replaces O.O. 1201-03, (4/16/04)
References VLEPSC ADM.14.01, ADM.19.01 and ADM.25.12 General Orders 1-1, 3-3, 4-4, and 7-2			
 _____ Chief of Police or Designee		06/08/07 _____ Date	

I. PURPOSE

This directive establishes the policy and procedure for appearances in court by sworn personnel of the Richmond Police Department.

II. POLICY

The court system is at the core of the constitutional implementation of law enforcement. It is the policy of the Richmond Police Department that ***its members*** shall demonstrate the highest respect for the court system and ***make*** every effort to preserve its dignity and to promote its effective operation. This respect shall be paid through timely appearance, appropriate dress and adherence to court guidelines. The ***Department*** also maintains liaisons with criminal justice agencies in its service area. Maintaining liaisons and communications between the Department and other agencies enhances cooperation, understanding and addresses operational issues and problems. Currently, the ***Court Liaison is assigned to the Office of General Counsel.***

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling or disciplinary action is initiated.

IV. PROCEDURE**A. Jurisdiction:**

The following are the jurisdictional boundaries as established for the City of Richmond:

1. The Manchester Division General District Court has exclusive jurisdiction for criminal offenses that occur south of the James River.
2. The Northside General District Court has exclusive jurisdiction for criminal and traffic offenses that are committed north of the James River. All traffic violations occurring on the bridges over the James River will be set for trial in the Northside Traffic Court.
3. **The Manchester Division General District Court and the Northside General District Court share concurrent jurisdiction for traffic offenses that are committed south of the James River. Police Officers will set all traffic cases in the John Marshall Courts Building except those noted below. 2nd Precinct officers, along with officers assigned to Sectors 112 and 312, will continue to set traffic cases for the Manchester Division.**

B. Hours of Operation:

1. Juvenile and Domestic Relations Court convenes at 0900 hours, Monday through Friday. Cases are staggered throughout the day.
2. Juvenile Traffic Court convenes at 1400 hours on Thursdays **with exceptions set by the court.**
3. Juvenile Criminal Arraignment Court convenes at 1330 hours on Tuesdays.
4. General District Court, Criminal Division I (Northside) convenes at 0930 hours, Monday through Friday.
5. General District Court, Traffic Division I (Northside) convenes at 0930 hours, Monday through Friday. Parking citations are heard on Tuesdays and Thursdays at 0900 hours.
6. General District Court, Criminal Division II (Manchester) convenes at 0900 hours, Monday through Friday. **Cases are staggered throughout the morning.**
7. General District Court, Traffic Division II (Manchester) convenes 1130 hours, Monday through Friday
8. The Circuit Court convenes at 0900, Monday through Friday. **All Circuit Court cases are heard in the John Marshall Courts Building (Northside).**
9. The **Regular** Grand Jury meets on the first Monday of each month at 0900 hours in the John Marshall Courts **Building, 3rd floor.** If the first Monday is a holiday, it will meet on the first Tuesday.

NOTE: To accommodate the work schedules of **sworn personnel**, officers shall submit a synopsis of his/her case(s) to the Detective Sergeant at 1st, 2nd, 3rd and 4th Precincts **five (5) days** prior to Grand Jury.

C. Timely Appearance:

1. Officers appearing in any Court in Richmond for a felony case shall report to the Commonwealth's Attorney's office 30 minutes prior to the start of the court session to discuss the case(s). Officers appearing for all other cases (misdemeanors, traffic, etc.) shall appear ten minutes prior to the scheduled time.
2. **Officers shall either present their cases in person or make prior arrangements for someone to present the case(s) to the Grand Jury.** Officers attending Grand Jury are prohibited from removing any documents from the courthouse without permission from the presiding Judge.

D. Appropriate Dress for Appearance in Court - For all issues concerning the appropriate dress for court appearance see General Order 4-4, Grooming and Personal Appearance **and** General Order 3-3, Uniforms and Equipment.

E. Scheduling Conflicts and Continuances:

1. If an officer fails to appear in court as scheduled when a case is called and the officer has not been excused, he/she may be held in contempt of court, punished criminally by either a fine or imprisonment, and/or may face departmental disciplinary actions.
2. It shall be the officer's responsibility to appear before a Judge if he/she made the arrest. The officer is not excused if a subpoena is not issued.
3. If an officer receives more than one summons or subpoena for the same date and a conflict results, the officer shall immediately confer with the responsible Assistant Commonwealth's Attorney(s). The Assistant Commonwealth's Attorney will prepare a **Motion for** Continuance and submit it to the presiding Judge for approval. Continuances may be granted if the Judge has received the **Motion for** Continuance at least two days in advance of the proceedings. **Except in rare instances (i.e. calling in sick)** continuances **are** not granted for requests made over the telephone. Any officer calling in sick must contact the Clerk of the affected court the morning of the scheduled case. The officer shall record the date, time and name of the Clerk spoken to, and shall keep the information until after the case has been heard.
4. The **Court Conflicts Date and Witness** Form (**PD-67**) is available to help avoid conflicts with court dates:
 - a) Juvenile Court – **The** Court Conflict Dates and Witness Form (**PD-67**) must be completed and a copy given to the Intake Officer when the officer signs a petition or it shall be attached to all Juvenile Arrest Packets. This form will be attached to the warrant written by the

Magistrate. It provides the court with the officer's available court dates at the preliminary hearing. Any void dates must be listed on this form.

- b) All Other Courts - Court Conflict Dates and Witness Form (PD-67), should be completed and submitted to the Commonwealth's Attorney's Office **five (5) business** days prior to the first Monday of each month. Officers may list five preferred court dates on the form. The choices should be spread throughout the month in order to give the court some latitude in setting cases. Any void dates must be listed on this form. The officer must list the cases pending by the name of the defendant. Designations such as "all cases" or "all courts" are not acceptable. Every attempt shall be made to ensure cases are not set on the officer's void dates, however, there is no guarantee. If a case is set for one of an officer's void dates, and he/she will be physically unable to attend, the officer shall contact the assigned Assistant Commonwealth's Attorney and advise him/her of the conflict. Every attempt shall be made to continue the case. If the officer is advised by the assigned Assistant Commonwealth's Attorney that the officer's presence is not mandatory, the officer shall make note of the date, time and name of the Assistant Commonwealth's Attorney and maintain it with his/her records.
- c) ***A copy of the PD-67 with all pertinent information shall be stapled to the original warrant.***

- 5. Officers must ensure that they do not take days off or take vacation leave on the days on which court cases have already been scheduled.
- 6. ***The immediate*** supervisors in Operations are responsible for providing the Clerks of the Court with schedules of preferred dates for all personnel under his/her command ***by December 1st (for the January to June period) and by June 1st (for the July to December period).***
- 7. The Lieutenant of each **Sector**/Unit shall ensure compliance with court schedules.

F. Other Arrangements:

- 1. Officers shall advise the Division of Emergency Communications (DEC) which court(s) they are to appear in when marking out of service.
- 2. If only one member of a two-person unit has a court appearance, the unit will remain in service as a one-person unit.
- 3. When charges are brought against a juvenile and the juvenile is detained, it is the officer's responsibility to sign the petition within five (5) working days after receiving notice from the Intake Worker.

G. Preparation:

- 1. Officers shall have the court case folder available when testifying in court.

2. All Felony Case File Folders must be completed and forwarded to the Commonwealth's Attorney's Office on the time schedule **in accordance with General Order 7-2, Case Management File System.**
3. Officers required to appear before the Grand Jury will be recognized by a Judge, issued a subpoena or specifically requested to appear by the Commonwealth's Attorney's Office. It is the primary officer's responsibility to ensure, **if the officer is not the presenter**, that the case presenter has all the necessary information to adequately present the case. The primary officer will be held accountable if the case is not presented.
4. Traffic Court/**Criminal Court** Scheduling – Each **immediate Operations supervisor** shall schedule his/her officers' court dates twice a year (January-June/July-December).

H. Court Staff Inspection Program:

1. Court preparation, testimony and cooperation with the Commonwealth's Attorney's Office is an important aspect of a professional law enforcement agency. The Court Inspection Program was instituted by the Office of the Chief of Police to promote professionalism and to ensure that the expectations of the Department and the citizens are met.
2. **The Court Liaison** will conduct unannounced inspections of officers appearing in cases in their official capacity before any court. Any deficiencies noted will be documented on the **Office of General Counsel's (OGC) court inspection** forms. In accordance with the Inspection Program, the observations and initial findings of the **Court Liaison** will be submitted to the appropriate command for review and further investigation. These observations and findings are provided as a tool for managing the Department's resources efficiently and effectively so that the Unit Commander can compare his/her expectations with an officer's actual performance. As such, any recommendation(s) as to further investigation, corrective action and/or discipline will be at the discretion of the command. The seriousness of an offense, the adverse consequence(s) of the action or inaction and any previous violations should be taken into consideration.
3. In accordance with the provisions of this program, Inspection Reports containing the cited deficiencies shall require follow-up within 30 days of receipt by the Unit Commander or designee. Such reports will contain information that documents what has been done, or what action is planned to correct the deficiency(ies).
4. After investigation, command response, and documentation of any corrective action(s) taken, a copy of the form shall be returned to the **Court Liaison** for tracking and filing. A copy shall also be maintained in the affected employee's unit folder. The **OGC's court inspection** forms, as well as the response(s) made by the command, will be kept on file for a three (3) year period from the original date of the deficiency(ies).

5. Any member of the Department who is issued a show cause, capias for failure to appear or even letters from a Judge or Court Clerk as a result of a court function shall report such **notification** to the **Court Liaison through channels** without delay. The **Court Liaison** shall **investigate the matter and** forward the notification **through channels**.
6. Officers are bound by judicial subpoenas – “Judicial subpoenas shall constitute an order to report for duty”, **per General Order 1-1, Section VII, Rule #7 “Reporting for Duty.”**

V. ROLES AND ACCOUNTABILITY

A. *Officers shall:*

1. ***Schedule cases within the jurisdictional boundaries as established for the City of Richmond.***
2. ***Submit a synopsis of case(s) to the Detective Sergeant at the appropriate Precinct five days prior to Grand Jury.***
3. ***When appearing in any Court in Richmond for a felony case, report to the Commonwealth’s Attorney’s office 30 minutes prior to the start of the court session to discuss the case(s); when appearing for all other cases (misdemeanors, traffic, etc.) appear ten minutes prior to the scheduled time.***
4. ***When attending Grand Jury, not remove any documents from the courthouse without permission from the presiding Judge.***
5. ***Ensure that the Assistant Commonwealth’s Attorney has a copy of the case folder that was submitted after the initial arrest prior to trial or the preliminary hearing.***
6. ***Follow the appropriate guidelines for appearance in court in accordance with the guidelines in General Orders 4-4, Grooming and Personal Appearance and 3-3, Uniforms and Equipment.***
7. ***Appear in court as scheduled when a case is called unless he/she has been excused. The arresting officer is expected to appear before the Judge, and appear in court as directed on judicial subpoenas.***
8. ***If receiving more than one summons or subpoena for the same date and a conflict results, immediately confer with the responsible Assistant Commonwealth’s Attorney(s) and Court Clerk.***
9. ***When calling in sick, contact the Clerk of the affected court the morning of the scheduled case and record the date, time and name of the Clerk spoken to, and keep the information until after the case has been heard.***
10. ***Ensure that they do not take days off or take vacation leave on the days on which court cases have already been scheduled.***

11. *When marking out of service, advise DEC in which court(s) he/she is appearing.*
12. *Sign the petition within five (5) working days after receiving notice from the Intake Worker when a juvenile is detained.*
13. *Complete all felony case file folders and forward them to the Commonwealth's Attorney's Office in accordance with General Order 7-2, Case File Management System.*
14. *Ensure that the case presenter for the Grand Jury, if the officer is not the presenter, has all the necessary information to adequately present the case.*
15. *If issued a show cause, capias for failure to appear or even letters from a Judge or Court Clerk as a result of a court function, report such notification to the Court Liaison through channels without delay.*

B. Immediate Supervisors in Operations shall:

1. *Be responsible for providing the Clerks of the Court with schedules of preferred dates for all personnel under his/her command.*
2. *Schedule subordinate officers at least one month before the effective date(s) for Traffic/Criminal Court dates twice a year (January-June/July-December).*

NOTE: *By December 1st (for the January to June period) and by June 1st (for the July to December period).*

C. Lieutenants shall:

Ensure compliance with court schedules.

D. Court Liaison shall:

1. *Conduct unannounced inspections of officers appearing in cases in their official capacity before any court and note any deficiencies on the Office of General Counsel's court inspection forms.*
2. *Submit observations and initial findings to appropriate command for review and/or further investigation.*
3. *Investigate and prepare a report on all claims of officers missing court.*
4. *Forward missed court investigations through channels to the appropriate Major.*

E. Unit Commanders or Designee shall:

1. *Follow-up within thirty (30) days of receiving the court staff inspection reports by the Court Liaison. The follow-up reports shall be returned to the Court Liaison.*
2. *Maintain a copy of the report in the affected employee's unit folder. The Office of General Counsel's court inspection forms, as well as the response(s) made by the command will be kept on file for a three (3) year period from the original date of the deficiency.*

VI. FORMS

1. *For all Courts - Court Conflicts Date and Witness Form (PD-67)*
2. *Office of General Counsel's Court Inspection forms*